

**UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA**

10 GREG WILSON,  
11  
12 Plaintiff,  
13 vs.  
14 NORTH LAS VEGAS DETENTION  
15 CENTER, *et al.*,  
16 Defendants.

2:09-cv-01385-JCM-PAL

## ORDER

17 Presently before the court is plaintiff Greg Wilson's motion to reconsider this court's September  
18 24, 2010, order dismissing his case. (Doc. #13). Defendant has not replied.

19 “Reconsideration is appropriate if the district court (1) is presented with newly discovered  
20 evidence, (2) committed clear error or the initial decision was manifestly unjust, or (3) if there is an  
21 intervening change in controlling law.” *School Dist. No. 1J v. AcandS, Inc.*, 5 F.3d 1255, 1263 (9th Cir.  
22 1993); *see* FED. R. CIV. P. 59(e); *see also* FED. R. CIV. P. 60(b).

23 The plaintiff fails to present any new law, new facts, or new evidence indicating that any of the  
24 circumstances enumerated by the Ninth Circuit are present here warranting reconsideration or any other  
25 relief. The action was dismissed due to plaintiff's failure to comply with Local Rule 2-2, which states:  
26 "The plaintiff shall immediately file with the court written notification of any change of address. The

1 notification must include proof of service upon each opposing party or the party's attorney. Failure to  
2 comply with this rule may result in dismissal of the action with prejudice.”

3           While the court grants much leeway to pro se litigants such as plaintiff, here, plaintiff should  
4 have apprised himself of the local rules of this court if he wished to proceed with his claims. This  
5 court's attempts to inform plaintiff of his responsibilities pursuant to Local Rule 2-2 were unsuccessful  
6 and when plaintiff failed to inform the court of his change in address, the court dismissed the action  
7 pursuant to Local Rule 2-2.

8 Plaintiff's brief illustrates that he is unsure whether this case was dismissed with or without  
9 prejudice. This court's August 23, 2010, order explained the requirements of Local Rule 2-2 and  
10 instructed plaintiff that failure to comply with the rule would result in a dismissal without prejudice.  
11 Thus, when the plaintiff failed to comply with the rule, the September 24, 2010, dismissal was without  
12 prejudice, leaving plaintiff free to re-file.

13 || Accordingly,

14 IT IS HEREBY ORDERED, ADJUDGED, AND DECREED that plaintiff Greg Wilson's motion  
15 for reconsideration of this court's September 24, 2010, order (doc. #13) be, and the same hereby is,  
16 DENIED.

17 DATED this 9th day of September, 2011.

Xem C. Mahan  
UNITED STATES DISTRICT JUDGE